

1-1 By: Deuell S.B. No. 1842
 1-2 (In the Senate - Filed March 19, 2013; March 20, 2013, read
 1-3 first time and referred to Committee on Health and Human Services;
 1-4 April 25, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 0, 1 present not
 1-6 voting; April 25, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15			X	
1-16				X
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1842 By: Deuell

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to restraint and seclusion procedures and reporting at
 1-22 certain facilities.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 322.052, Health and Safety Code, is
 1-25 amended by adding Subsection (b-1) to read as follows:

1-26 (b-1) The rules must:

1-27 (1) authorize a registered nurse, other than the nurse
 1-28 who initiated the use of restraint or seclusion, who is trained to
 1-29 assess medical and psychiatric stability with demonstrated
 1-30 competence as required by rule to conduct a face-to-face evaluation
 1-31 of a patient in a hospital or facility licensed under Chapter 241 or
 1-32 577 not later than one hour after the time the use of restraint or
 1-33 seclusion is initiated; and

1-34 (2) require a physician to conduct a face-to-face
 1-35 evaluation of a patient in a hospital or facility licensed under
 1-36 Chapter 241 or 577 and document clinical justification for
 1-37 continuing the restraint or seclusion before issuing or renewing an
 1-38 order that continues the use of the restraint or seclusion.

1-39 SECTION 2. Subchapter B, Chapter 322, Health and Safety
 1-40 Code, is amended by adding Section 322.056 to read as follows:

1-41 Sec. 322.056. REPORTING REQUIREMENT. A facility shall file
 1-42 with the Department of State Health Services a quarterly report
 1-43 regarding hospital-based inpatient psychiatric services measures
 1-44 related to the use of restraint and seclusion that is required by
 1-45 the federal Centers for Medicare and Medicaid Services.

1-46 SECTION 3. Not later than January 1, 2014, the executive
 1-47 commissioner of the Health and Human Services Commission shall
 1-48 adopt rules as required by Subsection (b-1), Section 322.052,
 1-49 Health and Safety Code, as added by this Act.

1-50 SECTION 4. A facility is not required to comply with the
 1-51 reporting requirements under Section 322.056, Health and Safety
 1-52 Code, as added by this Act, before January 1, 2014.

1-53 SECTION 5. This Act takes effect immediately if it receives
 1-54 a vote of two-thirds of all the members elected to each house, as
 1-55 provided by Section 39, Article III, Texas Constitution. If this
 1-56 Act does not receive the vote necessary for immediate effect, this
 1-57 Act takes effect September 1, 2013.

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